

[Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

JOINT NOTICE OF THE PARTIES
AGREEMENT REGARDING IN LIEU OF
PTO-8 FOR COMPUTER ASSISTED
REVIEW VALIDATION

This Document Relates to:

ALL ACTIONS

Judge: Hon. Lisa J. Cisneros
Courtroom: G – 15th Floor

Pursuant to the guidance from Judge Breyer and Judge Cisneros in the December 19, 2024 status conference and the Court's December 19, 2024 Order (ECF No. 1996) and the forthcoming June 16, 2025 discovery substantial completion date under Pretrial Order No. 21 (ECF No. 1950), the parties have met and conferred through the weekend and have reached a compromise regarding the technology-assisted-review ("TAR") validation process and roll-out schedule (Exhibit A). Both parties reserve their rights to seek additional guidance from the Court or to modify this agreement for good cause in the event of unforeseen circumstances including the future unknown volume of documents that may result from the learning process or future collections. This is a compromise made in light of the unique circumstances of this litigation which may not be well-suited to other matters outside of this litigation. The following terms have been agreed to by the parties:

1. The Validation Sample Review is not a document production. Plaintiffs agree that in participating in the Validation Sample Review Plaintiffs are not in possession, custody or control of any documents or material that comprises the Validation Sample.
2. Plaintiffs have represented they will have up to 15 Designated Reviewers. Plaintiffs' Designated Reviewers will individually sign the undertaking contained in the Court's Protective Order, if they have not done so already.
3. Plaintiffs represent the Designated Reviewers will only be from the designated PSC leadership firms (Chaffin Luhana, Lieff Cabraser, Peiffer Wolf, Nigh Goldenberg, Simmons Hanley Conroy, Anapol Weiss, Williams Hart & Boundas, Walkup, and Johnson Law Group, Meyer Wilson, Clarkson Law Firm, and Hausfield) and only members from those firms will access or view the Validation Sample. Plaintiffs acknowledge Plaintiffs are being given only temporary access to view the Validation Sample documents, and agree their review of the Validation Sample is only and strictly for the purpose of the validation review and resolution permitted under the ESI protocol.

- 1 4. Defendants will house the Validation Sample in a Relativity environment hosted by
2 Lighthouse, to be accessed remotely by Plaintiffs' Leadership through a virtual environment.
- 3 5. Lighthouse will provide Plaintiffs a dedicated support team that is not involved in the
4 Litigation, and Defendants will have no access to the Validation Relativity workspace or to
5 Plaintiffs' work product within the workspace.
- 6 6. On the agreed upon schedule, Plaintiffs will provide Lighthouse with the Designated
7 Reviewers' names, emails, and IP addresses, so secure credentials can be issued and so that
8 the IP addresses can be whitelisted for secure access.
- 9 7. The Designated Reviewers are the only individuals who will be granted access to view the
10 Validation Sample. The Designated Reviewers will not be permitted to download documents,
11 print documents, take screenshots of the documents or Relativity environment, or share
12 screen outside of individuals with Relativity Validation environment access. However, the
13 documents' contents may be discussed across members of PSC firms during the dispute
14 process, with the documents themselves subject to the protections in discussions and filings.
- 15 8. Outside the specific context of the validation review and resolution of any disputes, Plaintiffs
16 will not be permitted to use the Validation Set or contents thereof within or outside of this
17 litigation.
- 18 9. At the conclusion of the validation review and resolution of any disputes arising therefrom,
19 the Designated Reviewers will no longer have access to the Validation Sample with the
20 exception of raising document-related issues with the Court.

21 The parties have come to an agreement on a process for TAR validation going forward. Both
22 parties reserve their right to seek remedies and guidance from the Court after validation is complete.
23 While Plaintiffs believe Uber's document production to date is deficient, for the reasons previously
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discussed with the Court, in the interest of moving forward, Plaintiffs will proceed with depositions as necessary while trying to remedy the TAR model over time. Plaintiffs reserve their right to seek any necessary relief at the appropriate time, including keeping depositions open to address subsequent document productions as necessary. Defendants disagree with Plaintiffs' assertions and have conveyed to the Court the challenges of this litigation's unique ESI Order and a validation process that occurs while the scope of discovery and relevant time period continue to shift. Defendants have compromised and have deployed herculean efforts in the interest of moving forward and barring any unforeseen circumstances have agreed to the attached schedule. Defendants believe the Parties should focus on a reasonable amount of discovery in a reasonable amount of time in accordance to Fed. R. Civ. P. 1, 26(b)(1), 26(b)(2)(C) and 26(g). Nevertheless, the Parties have reached this agreement in attempts to comply with discovery-related deadlines in the coming weeks, and the Parties hope that the Court, staff and all counsel will be able to find time to enjoy the holidays.

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17 **CERTIFICATE OF SERVICE**

18 I hereby certify that on December 20, 2024, I electronically filed the foregoing document
19 with the Clerk of the Court using the CM/ECF system, which will automatically send notification of
20 the filing to all counsel of record.

21 By: /s/ Roopal P. Luhana
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